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2 **WAGANAKISING ODAWAK STATUTE**
3 **ODAWA HISTORICAL AND CULTURAL SITE REGISTRIES STATUTE**
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6 **SECTION I. PURPOSE**
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8 The purpose of this Statute is to establishes a public Odawa Historic and Cultural Site Registry
9 where property sites are identified, designated and cataloged as historical and cultural sites
10 while increasing and broadening the public's understanding and appreciation of cultural and
11 historic places; and to establish a non-pubic Odawa Historic and Cultural Site Registry that
12 helps preserve significant historic and cultural places for future generations.
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15 **SECTION II. DEFINITIONS**
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17 **A.** "LTBB" or "Tribe" means the Little Traverse Bay Bands of Odawa Indians.
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19 **B.** "Reservation" means all lands within the boundaries of the reservations for the Little
20 Traverse Bay Bands of Odawa Indians as set out in Article I, paragraphs third and fourth of the
21 Treaty of 1855, 11 Stat. 621, plus any lands set out in Articles Second and Third of the Treaty of
22 March 28, 1836, 7 Stat. 491, in the event that the 1836 reservation is determined to include lands
23 which are not included within the 1855 reservation, plus any lands outside of those boundaries
24 which are now or in the future declared to be Little Traverse Bay Bands of Odawa Indians
25 reservation by the U.S. Department of the Interior.
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27 **C.** "Tribal Citizen" means an enrolled member of the Little Traverse Bay Bands of
28 Odawa Indians.
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30 **D.** "Tribal Council" or "Council" means the elected body of the Little Traverse Bay
31 Bands of Odawa Indians to carry out legislative powers under Article VII of the
32 Constitution.
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1 **E.** “Tribal Culturally Significant Sites” means sites that are currently or in the past used by
2 the Tribe or its Tribal Citizens for gathering of medicines, conducting ceremonies or other tribal
3 activities; or the site is associated with the cultural practices or beliefs of a Tribal community; or
4 the site is closely tied to the cultural identity of the community.

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6 **F.** “Tribal Historic Properties” means any prehistoric or historic sites, districts, structures,
7 or objects that are significant to the prehistory, history, architecture, archeology, culture, or
8 spiritual nature of the Tribe,

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10 **G.** “Tribal Sacred Site” means any specific, discrete, narrowly delineated location that is
11 identified as sacred by virtue of its established religious significance or ceremonial use.

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13 **H.** “THPO” or “Office” means the Tribal Historic Preservation Office composed of
14 the Tribal Historic Preservation Officer and staff.

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17 **SECTION III. NOMINATION PROCESS**

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19 The Tribal Historic Preservation Office may accept a nomination of historic or cultural sites
20 directly from any person or agency, including nominations from the THPO for inclusion in the
21 Odawa Historic and Cultural Site Registry.

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24 **SECTION IV. DUTIES and AUTHORITY**

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26 **A.** The Office shall have the following duties and authority:

27
28 **1.** To create and maintain a public Odawa Historic and Cultural Site Registry that
29 can be published on the Tribal website and a and non-public Odawa Historic and Cultural
30 Site Registry that preserve location sites for future generations.

31
32 **2.** To evaluate nominations of sites for inclusion into either of the Odawa Historic
33 and Cultural Site Registries.

1 **3.** To consult with Elders, Tribal Citizens and other experts as part of the assessment
2 process to determine suitability of a nominated site for inclusion into either of the Odawa
3 Historic and Cultural Site Registries.

4
5 **4.** To acquire reference materials, such as books, and other resources to determine
6 suitability of a nominated site for inclusion into either of the Odawa Historic and Cultural
7 Site Registries.

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9 **5.** To develops policy, procedures and standards that maintain uniformity of the sites
10 that are included into either of the Odawa Historic and Cultural Site Registries.

11
12 **6.** To preserve Odawa Historic and Cultural sites that are under the Tribe's
13 ownership or control and assure that a site is not inadvertently demolished, substantially
14 altered, or allowed to deteriorate significantly, except in the case of restoration of a site
15 which is permissible.

16
17 **7.** To evaluate any permit that allow for demolition, substantially alterations, or
18 restoration to an Odawa Historic and Cultural site that is within the Tribe's ownership or
19 control. Such permits shall require approval by the THPO, in accordance with approved
20 regulations.

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22 **8.** Regulations shall be developed that establishes how permits shall be approved by
23 the THPO, that may include a historical, spiritual or cultural significance impact survey
24 of the site.

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28 **SECTION V. CRITERIA FOR DESIGNATION**

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30 **A.** The Office shall use the following criteria to determine the suitability of inclusion of a
31 site into either of the Odawa Historic and Cultural Site Registry:

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33 **1.** Significance in Odawa history, architecture, archeology, heritage, religion,
34 engineering or culture.

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2 **2.** Association with events that have made a significant contribution to the broad
3 patterns of Odawa history.

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6 **3.** Association with the lives of significant or historical Odawa persons.

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8 **4.** Yielded or may be likely to yield, important information in Odawa history
9 spirituality or culture.

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11 **5.** Associated with the exercise of Treaty Rights under the 1836 Treaty of
12 Washington, or the 1855 Treaty of Detroit.

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14 **B.** Such sites may include:

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16 **1.** “Tribal Culturally Significant Sites”.

17
18 **2.** “Tribal Historic Properties”.

19
20 **3.** “Tribal Sacred Site”.

21
22 **4.** Cemeteries, birthplaces, or graves of historical figures.

23
24 **5.** Ceremonial sites.

25
26 **6.** Cultural or quality natural resources sites.

27
28 **7.** Historical landmarks or buildings.

29
30 **8.** Natural resources.

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33 **SECTION VI. SITE REGISTRY**

1 A. Upon receipt of a nomination of a site, the Office shall determine if site is suitable for
2 inclusion into either of the Odawa Historic and Cultural Site Registries.

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4 B. The Odawa Historic and Cultural Site Registries shall contain documentation for each
5 site, a physical description of the place, and information about its historical, spiritual or cultural
6 significance, that may be documented by oral histories or stories, a bibliography, photographs, or
7 other means as appropriate.

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9 **SECTION VII. NOTICE OF APPROVAL OR DECLINATION**

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11 The THPO shall notify the person who has submitted a nomination for inclusion of a site into
12 either of the Odawa Historic and Cultural Site Registries of the approval or denial within a
13 reasonable time period after the submission of the nomination.

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16 **SECTION VIII. RECONSIDERATION PROCESS**

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18 Any person who has submitted a nomination to the THPO for inclusion of a site into either of the
19 Odawa Historic and Cultural Site Registries and was denied may ask for reconsideration based
20 on additional or new evidence that support the nomination. The THPO shall have approved
21 policy and procedures that include the appeals process and time-frames.

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24 **SECTION IX. NOTIFICATION TO OWNER OF PROPERTY**

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26 Upon approval of the THPO of inclusion into public Odawa Historic and Cultural Site Registry,
27 the THPO shall notify the owner and/or the person in control of the site of the Registry
28 designation.

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31 **SECTION X. PRIVATE PROPERTY**

1 Private property listed in the Odawa Historic and Cultural Site Registry does not place any
2 restrictions or requirements on a private property owner. The private landowner is not required
3 to maintain the property in any specific way.
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6 **SECTION XI. SEVERABILITY**
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8 If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any
9 reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall
10 be deemed a separate, distinct and independent provision and such holding shall not affect the
11 validity of the remaining portions thereof.
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14 **SECTION XII. EFFECTIVE DATE**
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16 Effective upon signature of the Executive or 30 days from Tribal Council approval whichever
17 comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the
18 veto.
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21 **SECTION XIII. OTHER RELATED STATUTES**
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23 See WOS 2014-013 Tribal Historic Preservation Office Protection and Management of
24 Archaeological, Historical, and Cultural Properties and Cultural Resources Statute, or as may be
25 amended.
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28 **CERTIFICATION**